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Chairman: Ms. Groux (Vice-Chairman) ..... (Switzerland)

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The meeting was called to order at 10.30 a.m.

Agenda item 105 (b): Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Respect Universally Recognized Human Rights and Fundamental Freedoms (A/C.3/59/L.45/Rev.1)

1. **Mr. Lied** (Norway), introducing the draft resolution on behalf of the sponsors, said that human rights defenders continued to be at risk all over the world. Although the Declaration on human rights defenders had been adopted six years earlier, a considerable number of complaints were still received, both by the Special Representative of the Secretary-General on human rights defenders and at the national level. That was a matter of grave concern, and those complaints should be investigated in a transparent and independent manner. The freedom of expression and association of human rights defenders must be ensured. The draft resolution welcomed the report of the Special Representative (E/CN.4/2004/94) and welcomed her significant work, which had given visibility to the difficult situation of human rights defenders throughout the world. It also commended the Special Representative for her cooperation with other special procedures mandated by the Commission on Human Rights as well as with the other relevant bodies of the United Nations and other international organizations. The sponsors were encouraged to see that so many Governments supported the Special Representative's mandate, and that support must be translated into practical commitments. The Special Representative must receive the full cooperation and support of all Governments. In that regard, the sponsors welcomed the regional initiatives, and the adoption of national policies and laws, for the promotion and protection of human rights and human rights defenders. The good faith and firm commitment of States, combined with effective policies and mechanisms, were fundamental in order to give full effect to the Declaration. He added that Armenia, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Dominican Republic, Italy, Madagascar, Nigeria and the Republic of Moldova had joined the sponsors of the draft resolution.

2. **The Chairman** announced that Albania and the Niger had also become sponsors.

Agenda item 95: Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*)

Draft resolution on Follow-up to the Second World Assembly on Ageing (A/C.3/59/L.14/Rev.1)

3. **Mr. Al-Motawa** (Qatar), introducing the draft resolution on behalf of the sponsors, said that the revised text reflected the efforts of the Group of 77 and China, as sponsor of the original draft resolution, contained in document A/C.3/59/L.14, to accommodate the concerns of all delegations. He said that Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom and United States had joined the sponsors of the draft resolution.

4. **The Chairman** said that Albania, Bosnia and Herzegovina, Bulgaria, Monaco, Mongolia, Republic of Moldova, Romania, San Marino and Turkey had also become sponsors of the draft resolution.

5. *Draft resolution A/C.3/59/L.14/Rev.1 was adopted without a vote.*

Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Draft resolution on the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (A/C.3/59/L.72)

6. **The Chairman** said that Togo and Ethiopia had joined the sponsors of the draft resolution.

7. *Draft resolution A/C.3/59/L.72 was adopted without a vote.*

Draft resolution on the Office of the United Nations High Commissioner for Refugees (A/C.3/59/L.73)

8. **The Chairman** said that Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Benin, Burundi, Egypt, Grenada, Guyana, Haiti, Honduras, Jamaica, Lesotho, Mauritania, Mauritius, Mongolia, Pakistan, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Solomon Islands and Tajikistan had joined the sponsors of the draft resolution.

9. **Mr. Lied** (Norway) said that Brazil, Swaziland and Uruguay had also become sponsors.

10. *Draft resolution A/C.3/59/L.73 was adopted without a vote.*

11. **Ms. Adjalova** (Azerbaijan), explaining her delegation's position, said that, as a traditional sponsor of the draft resolution, her delegation wished to reiterate its full support for the important work carried out by the High Commissioner. She thanked the main sponsor for adding new and important elements to the draft, with respect in particular to the issue of protracted refugee situations. However, the draft could be more balanced and comprehensive in addressing all areas of concern to the High Commissioner, including internally displaced persons (IDPs). Despite their different legal status, IDPs often shared the same economic and social needs as refugees. The scale and scope of UNHCR activities concerning IDPs had increased dramatically over recent years, and a series of General Assembly resolutions had acknowledged the particular expertise of the High Commissioner and encouraged his involvement in situations of internal displacement. It was therefore important to address the issue of IDPs in future texts of the resolution.

Draft resolution on assistance to refugees, returnees and displaced persons (A/C.3/59/L.78)

12. **The Chairman** said that Cuba, Czech Republic, France, Greece, Ghana, Iceland, Sierra Leone and Spain had joined the sponsors of the draft resolution.

13. **Ms. Joyce** (South Africa) said that Austria had also become a sponsor of the draft resolution, and drew the attention of the Committee to two editorial errors in the text. With regard to paragraph 19, she requested that the words "the condition" should be deleted, so that the final clause would read "in particular that voluntary repatriation can be accomplished in conditions of safety and dignity". She also requested that the words "the human rights of" should be inserted in paragraph 26 so that the first part of the paragraph would read "Invites the Representative of the Secretary-General on the human rights of internally displaced persons".

14. *It was so decided.*

15. *Draft resolution A/C.3/59/L.78, as orally revised, was adopted without a vote.*

Agenda item 101: Promotion and protection of the rights of children (*continued*)

Draft resolution on the situation of and assistance to Palestinian children (A/C.3/59/L.28)

16. **The Chairman** said that China, Djibouti, Mauritania and Venezuela had joined the sponsors of the draft resolution.

17. **Ms. Khalil** (Egypt) said that Barbados, Burkina Faso, Comoros, Democratic People's Republic of Korea, Democratic Republic of the Congo, Malawi, Nigeria and Somalia had also become sponsors of the draft resolution.

18. **Mr. Ghafari** (United States of America), speaking in explanation of vote before the voting, said that nobody could be indifferent to the suffering of children. However, his delegation was concerned not only about Palestinian children and their loved ones, but also about the many Israeli children indiscriminately murdered and maimed by suicide bombers and terrorists who mistakenly believed that the ends of national liberation or resistance were justified by any or all means. It was also concerned about all children maimed, killed or paralysed wherever armed conflict, tribal fighting or civil wars occurred. It was not appropriate for the General Assembly to single out one group of children and say that they merited a specific resolution. His delegation would therefore oppose the resolution, which was one-sided, and urged other delegations to do the same.

19. **Mr. Tekneci** (Turkey) said it was regrettable that the ongoing conflict in the Palestinian territories had taken a terrible toll on civilian lives. His delegation condemned any act of violence or terrorism targeting innocent men, women and children, whether Palestinian, Israeli, or of any other nationality. Turkey was also gravely concerned at the unacceptable use and

recruitment of children in acts of violence and terrorism. With that understanding, his delegation would vote in favour of the draft resolution, and would support any initiative that addressed the plight of children anywhere in the world.

20. **Mr. Sermoneta** (Israel) said that his delegation would vote against the draft resolution as it was one-sided and contrary to the universal spirit of the resolutions adopted by the Committee. All the world's children deserved equal protection, and to single out a specific group of children was cynical, unfair and morally unacceptable. The draft resolution did not address the destructive effects of Palestinian terrorism on innocent Israeli lives. More than 100 Israeli children had been killed by Palestinian terrorists over the past four years, many as a result of suicide bombing, and children had been deliberately murdered. The draft resolution also ignored the abuse of children in the Palestinian campaign of violence and terrorism. Palestinian children were trained to be holy warriors and taught to glorify martyrdom. Such exploitation was illegal under any sane code of law, but using children for suicide attacks was particularly egregious.

21. Israel welcomed the efforts of the international community to ease the humanitarian situation in the Palestinian territories. However, only an end to terrorism and incitement could ensure the security of both Israeli and Palestinian civilians. The international community should send a clear message to the Palestinians to end immediately the use of children in terrorist attacks. Israel would prefer that only resolutions that addressed the issue on a universal basis, and achieved consensus, should be adopted by the Committee. Israel had tried to redress the balance in 2003 by introducing a resolution that similarly addressed the situation faced by Israeli children, but that resolution had been denied the consideration of the Committee. Israel urged delegations to act to prevent that double standard by voting against the draft resolution.

22. *At the request of the representative of the United States, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

23. *Draft resolution A/C.3/59/L.28 was adopted by 105 to 5, with 61 abstentions.*

24. **Mr. Nikiforov** (Russian Federation), explaining his delegation's position, said that his delegation had

voted in favour of the draft resolution. The humanitarian situation in the Middle East — especially that of children — was a matter of profound concern for the international community, and the situation affected all children in the region.

25. **Mr. Loosdrecht** (Netherlands), speaking on behalf of the European Union, said that the European Union had abstained in the vote, primarily because it was opposed to the proliferation of resolutions on agenda items under which the Committee had traditionally not dealt separately with country-specific situations. It continued to support thematic resolutions that were all-encompassing and did not highlight one situation or another. Its position should not be interpreted as indifference. The European Community was concerned at the plight of all the world's children. It consistently expressed its concern at the situation of Palestinian children in the West Bank and Gaza, and called on the Government of Israel and the Palestinian Authority to make every effort fully to respect the rights of children in accordance with the Convention on the Rights of the Child. It was deeply concerned at the recent deaths of Palestinian children in schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as a result of Israeli military operations and called upon Israel to take effective measures to avoid any harm to Palestinian children and to respect its obligations under international humanitarian law. The effects of the construction of the separation barrier in the occupied Palestinian territory on the well-being of children were worrying.

26. Israeli children continued to suffer from attacks by Palestinian terrorist groups, which had repeatedly targeted innocent civilians. The European Union was concerned at the use of civilian areas for attacks against Israelis, which endangered both Israeli and Palestinian children, and it called for an end to such attacks. The incitement and recruitment of children in violence were also matters of grave concern. The European Union remained strongly committed to improving the humanitarian situation of Palestinians and their children. It continued to believe that only a comprehensive, just and lasting peace, achieved on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and the road map proposed by the Quartet in 2003 would provide a real prospect of improving the daily lives of Palestinian children and their families.

27. **Mr. Lied** (Norway) said that his delegation had abstained in the voting. However, its position should not be seen as indifference. Norway continued to be strongly committed to improving the humanitarian situation of Palestinian children. For reasons of principle, it was opposed to country-specific resolutions on children. It strongly believed that children and their rights should not be divided into national or regional subgroups. Norway supported thematic solutions that did not highlight one particular situation.

28. **Ms. Rasheed** (Observer for Palestine) said that her delegation firmly believed that it was important to adopt the resolution because it sent a strong message of solidarity with the Palestinian children, who had lived their entire lives under the brutal Israeli military occupation. Her delegation hoped that the Committee would not have to reconsider such a resolution at its next session, thus marking the beginning of a new era in which Palestinian children could live free of fear, in a world where their rights were respected.

29. **Mr. Dhakal** (Nepal) said that had his delegation been present during the vote, it would have voted in favour of the draft resolution.

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/C.3/59/L.69)

Draft resolution on the International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/59/L.69)

30. **Mr. Khane** (Secretary of the Committee) said that paragraph 14 of the draft resolution requested the Secretary-General to continue ensuring adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, to ensure the functioning of the Committee on the Elimination of Racial Discrimination and to enable it to cope with its increasing amount of work.

31. It would be recalled that the General Assembly had appropriated the amount of $690,300 for the Committee for the biennium 2004-2005. Accordingly, adoption of the draft resolution would not lead to any requirement for additional appropriations.

32. **Mr. Medica** (Slovenia), speaking on behalf of Belgium and the other sponsors of the draft resolution, said that, after the draft resolution had been introduced, consultations had continued in order to reach consensus on the text. Consequently, in the fifth line of paragraph 6, the phrase "with other special procedures of the Commission on Human Rights" had been eliminated; the text of paragraph 8 would now read "*Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action", and in paragraph 21 the phrases "or otherwise contrary to international treaty law" in the third line and "or that are otherwise incompatible with international treaty law" in the sixth line had been deleted. He said that Albania, Andorra, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Chile, China, the Dominican Republic, El Salvador, Guatemala, Iceland, Japan, Namibia, New Zealand, Pakistan, Republic of Korea, Rwanda, Senegal, South Africa, Thailand, Turkey, Ukraine and Venezuela had joined the sponsors.

33. *Draft resolution A/C.3/59/L.69, as orally revised, was adopted without a vote.*

34. **Mr. Fox** (United States of America) said that paragraph 20 of the draft resolution urged all States that had not yet become parties to the Convention on the Elimination of All Forms of Racial Discrimination to ratify or accede to it as a matter of urgency. In the interests of national sovereignty, States should be asked to "consider" becoming parties to a treaty or convention. The United States strongly condemned racial discrimination and would continue to work towards its eradication within the United Nations system. It was a party to the Convention and supported its goals. Its objection related to the language used in the said paragraph and not to the substance of the draft resolution.

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/59/L.33/Rev.1)

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (A/C.3/59/L.33/Rev.1)

35. **Mr. Khane** (Secretary of the Committee) said that in paragraph 25 of the draft resolution, the General Assembly requested the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

36. The General Assembly had appropriated, for the biennium 2004-2005, the amount of $56,794,500, under section 24, Human rights. That included a provision of $458,100 for the Committee against Torture which the Secretariat believed to be adequate provision for the staff and facilities required for the relevant bodies and mechanisms.

37. The Committee's attention was drawn to part B, section VI of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

38. **Mr. Rehfeld** (Denmark), introducing the resolution, said that freedom from torture and other cruel, inhuman or degrading treatment was a right that should be protected under all circumstances. All acts of torture were intolerable violations of the values on which the international community based its common belief in the human dignity of every single person. The consensus adoption of the draft resolution, resulting from widespread consultations, would be a clear confirmation of the international community's firm resolve to prevent and eliminate all forms of torture and ill-treatment.

39. In addition to the 68 countries listed on the draft resolution, Albania, Angola, Armenia, Bangladesh, Belarus, Benin, Burkina Faso, the Congo, Egypt, Eritrea, Georgia, Ghana, Grenada, Iraq, Japan, Jordan, Kenya, Kyrgyzstan, Mali, the Federated States of Micronesia, Monaco, Mongolia, the Niger and the Republic of Moldova had joined the sponsors.

40. *Draft resolution A/C.3/59/L.33/Rev.1 was adopted without a vote.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.37, L.39, L.42, L.45/Rev.1, L.47, L.56 and L.65)

Draft resolution on the right to development (A/C.3/59/L.37)

41. **Mr. Khane** (Secretary of the Committee) said that in paragraph 31 of the draft resolution the General Assembly requested the Secretary-General to submit a report to the General Assembly at is sixtieth session and an interim report to the Commission on Human Rights at its sixty-first session on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the General Assembly at its sixtieth session.

42. Should the Committee extend its invitation to the Chairman of the Working Group, it should be noted that members of the Working Group on the Right to Development were representatives of Member States. The decision would represent an exception to General Assembly resolution 1798 (XVII), as amended, on system of travel and subsistence allowances to members of organs and subsidiary organs of the United Nations.

43. It was anticipated that the travel costs of the Chairman of the Working Group, amounting to $6,700, would be funded from extrabudgetary resources. Accordingly, adoption of the draft resolution would not entail additional appropriations.

44. **Ms. Astanah Banu** (Malaysia), speaking on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and China, said that Benin, Cambodia, China and Tajikistan had joined the sponsors.

45. Since the draft resolution had been introduced, open consultations had been held in order to reach consensus. Consequently, the text had been revised as follows:

46. In the first footnote, the words "and China" should be added at the end of the sentence. The fifth preambular paragraph should be replaced by the following text: "*Welcoming* the framework modalities agreed at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas, such as agriculture, market access for non-agricultural products, trade facilitation, development and services,". Paragraph 1 should be replaced by the following text: "*Endorses* the agreed conclusions and recommendations adopted by the Working Group at its fifth session, and calls for their immediate, full and effective implementation by the Office of the High Commissioner and other relevant actors;". Paragraph 2 should be replaced by the following text: "Welcomes the establishment of a high-level task force on the implementation of the right to development within the framework of the Working Group to assist the Working Group to fulfil its mandate and looks forward to the consideration by the Working Group at its next session of its concrete recommendations;".

47. In the fourth line of paragraph 3, the word "to" should be replaced by the words "which will". In the fourth line of paragraph 4, the words "national and" should be inserted before "international", and in the fifth line the word "level" should be changed to "levels". In the sixth line of paragraph 5, the phrase "for the Commission to consider and take decisions on this matter at its sixty-second session" should be replaced by the phrase "to the sixty-second session of the Commission". In paragraph 6, the word "Welcomes" should be replaced by the phrase "Takes note of" and, in the fourth line, the words "calls upon" should be replaced by the word "invites".

48. In the third line of paragraph 16, the phrase "reaffirms the commitment set in meeting that target" should be inserted after the words "by 2015,". In paragraph 17, the words "Reaffirms the commitment, and" should be deleted. Paragraph 18 should be replaced by: "*Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;".

49. In the last line of paragraph 25, the word "governance" should be replaced by the words "social responsibility". In the sixth line of paragraph 26, the words "as soon as possible, and State parties to implement effectively" should be inserted after the word "ratify". Lastly, in paragraph 27, the words "and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources" should replace the words "and better

servicing of and support for the Working Group on the Right to Development".

50. **Mr. Faber** (Netherlands), speaking on behalf of the European Union, said the European Union had demonstrated its commitment to the right to development through extensive national and Community initiatives throughout the world and would continue to work towards consensual and progressive outcomes on the issue in all forums. It was the primary responsibility of States to create national conditions conducive to the fulfilment of the right to development but it was the mainstreaming of all human rights, without differentiation, that should be stressed. Moreover, the active participation of the individual in the realization of human rights and fundamental freedoms should not be overlooked.

51. The European Union had taken a constructive approach to the draft resolution and had made a number of proposals to improve the text; not all of them had been taken up and the draft resolution still contained paragraphs that it considered unnecessary or unbalanced. It was reaching the limits of its ability to make concessions on the issue, and future texts needed to be streamlined and more relevant to the Third Committee's human rights agenda.

52. **Ms. Garcia-Matos** (Venezuela) said that the right to development had the highest priority and was also a central element of progress towards a self-managed economy and endogenous and sovereign social development. It should be supported not only in the context of multilateral foreign policy but also at the national level, so that it became a reality for all the peoples of the United Nations.

53. *At the request of the United States a recorded vote was taken on the draft resolution.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembo[illegible], Madagascar, Malawi, Malaysia, Maldives, [illegible]ali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, the United States of America.

Abstaining:

Australia, Canada, Japan, Sweden.

54. *Draft resolution A/C.3/59/L.37 was adopted by 166 votes to 2, with 4 abstentions.*

55. **Mr. Takase** (Japan) said his Government was firmly committed to the right to development and would continue to play an active part in development activities; nevertheless, further discussion was required in order to define the concept. The primary responsibility for protecting and promoting a people's right to development lay with the Government of each country. The importance of international cooperation was undeniable, but developed countries were not legally obliged to assist developing countries. It was

important to achieve a balance between the national and the international dimension of the right to development, on the one hand, and civil, political and economic rights on the other. Therefore, Japan had abstained from voting in favour of the draft resolution.

56. **Mr. Ali** (Somalia) said that, if it had been present, Somalia would have voted in favour of the draft resolution.

57. **Mr. Lied** (Norway) said that Norway had voted in favour of the draft resolution; however, it wished to put on record that the draft resolution contained some paragraphs to which it did not fully subscribe. For example, paragraph 12 described the right to development as a fundamental human right, which suggested that there was a hierarchy of human rights. In paragraph 28, it was not appropriate to request the High Commissioner to undertake "activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions" and to report thereon. It was important to strengthen that global partnership, but there were other United Nations bodies better equipped to perform such tasks. Lastly, it was unfortunate that it had not been possible to delete the final part of paragraph 31, which invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the sixtieth session of the General Assembly. There was no need or precedent to invite chairmen of working groups of the Commission on Human Rights to give oral presentations to the Third Committee. It was more appropriate that such presentations should take place before the Commission.

Draft resolution on enhancement of international cooperation in the field of human rights
(A/C.3/59/L.39)

58. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.39. She said that China had joined the sponsors of the draft resolution, which contained no programme budget implications.

59. **Ms. Astanah Banu** (Malaysia), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, said that the words "and China" should be added at the end of footnote 1. She hoped the draft resolution would be adopted by consensus.

60. **The Chairman** said that she took it that the Committee wished to adopt draft resolution A/C.3/59/L.39 without a vote.

61. *It was so decided.*

Draft resolution on regional arrangements for the promotion and protection of human rights
(A/C.3/59/L.56)

62. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.56.

63. **Mr. Khane** (Secretary of the Committee) read out a statement from the Director of the Programme Planning and Budget Division, Office of Programme Planning, Budget and Accounts (OPPBA), on the programme budget implications arising from draft resolution A/C.3/59/L.56. Referring to paragraph 10 of the draft resolution, which requested the Secretary-General, inter alia, to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements, he said that the General Assembly had appropriated $42,871,500 under Section 23 (Regular programme of technical cooperation) for the biennium 2004-2005, of which $2,905,000 was for the activities of the Office of the High Commissioner. Accordingly, should the Committee adopt draft resolution A/C.3/59/L.56, there would be no requirement for additional appropriation.

64. The attention of the Committee was also drawn to resolution 45/248, part B VI, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

65. **Mrs. Stevens** (Belgium) said that Albania, Armenia, Australia, Bolivia, Brazil, the Democratic Republic of the Congo, El Salvador, the Gambia, Malta, Mongolia, Morocco, Nauru, Romania, Sao Tome and Principe, Serbia and Montenegro, Switzerland, Tunisia, Turkey and the United States of America had become sponsors of the draft resolution.

66. A number of revisions to the draft resolution had been made. The second half of paragraph 7, from "to allow for" onwards should be deleted; in the last line of paragraph 8 (b), the words "on the Establishment of"

should be replaced by "and the Establishment of"; and in paragraph 11, the words "to work through the United Nations country teams" should be deleted.

67. She thanked delegations for their support and said she hoped the draft resolution would be adopted by consensus.

68. **The Chairman** said that Botswana, Bulgaria, Burkina Faso, the Congo, Costa Rica, Denmark, the Dominican Republic, Georgia, Japan, Madagascar, Mali, Monaco, Nigeria, the Niger, Norway, Panama, Paraguay, the Philippines, the Republic of Korea, the Republic of Moldova, Rwanda, South Africa, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and the United Republic of Tanzania has also become sponsors of the draft resolution.

69. *Draft resolution A/C.3/59/L.56 was adopted without a vote.*

70. **Ms. García** (Bolivarian Republic of Venezuela) said that, while her Government supported all measures to promote and protect human rights, it had had, and continued to have, negative experiences with regard to its relations with regional human rights bodies in the inter-American human rights system and with regional non-governmental organizations. Some of those bodies, acting outside international law, had tried to intervene in internal matters that were the exclusive competence of her Government.

Draft resolution on respect for the right to universal freedom of travel and the vital importance of family reunification (A/C.3/59/L.65)

71. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.65, which contained no programme budget implications.

72. **Mr. Cumberbatch Miguén** (Cuba), speaking on behalf of the sponsors, said that paragraph 5 of the draft resolution should be deleted. He called on all delegations to support the draft resolution.

73. **The Chairman** said that Jamaica, Nigeria and the Sudan had joined the sponsors of the draft resolution, and that a recorded vote had been requested by the delegation of the United States of America.

74. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that the Government of Cuba continued to impede family reunification through the manipulation of migration policies and consistently undermined migration accords between the two countries by denying exit permits to otherwise qualified Cuban citizens, including family members deemed defectors. Moreover, it imposed almost insurmountable obstacles on migration for medical professionals, imposed exit permit fees and medical examination fees that far exceeded those imposed anywhere else in the region and often refused visas to dissidents so as to limit their contact with the media.

75. Her Government's policy towards Cuba was to encourage a rapid and peaceful transition to a democracy based on fundamental political and economic freedoms. Her Government had also implemented various measures to enable people with family members in Cuba to travel to Cuba and to send cash remittances, gift parcels, medical supplies and food with the result that Cuba received over $1 billion annually in funds and goods from those living outside the country. In 2003, the total value of donations licensed by her Government had been more than $300 million. In addition, North American non-governmental organizations continued to provide humanitarian support or assistance to civil society. Against such a backdrop, her delegation could not support the draft resolution and encouraged other delegations to also vote against it.

76. *A recorded vote was taken on draft resolution A/C.3/59/L.65.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan,

Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Canada, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan.

77. *Draft resolution A/C.3/59/L.65, as orally revised, was adopted by 107 votes to 3, with 63 abstentions.*

78. **Mr. Alday** (Mexico) said that his delegation had voted in favour of the draft resolution as it considered that certain elements of the document were of particular importance for the promotion of the human rights of migrants. However, referring to paragraph 1 of the draft resolution, his delegation wished to point out that the right to freedom of movement had already been established in a number of international human rights instruments and, along with the right to universal freedom of travel, therefore corresponded to all people, irrespective of whether they were migrants.

79. **Mr. Cumberbatch Miguén** (Cuba) said that it had not been his delegation's intention to "bilateralize" the issue but, following the comments made by the representative of the United States of America, he was obliged to intervene. It was not his country that blocked travel between the two countries. Rather, the United States of America manipulated migration issues as part of its aggressive policy of embargo against his country. The measures that had entered into force in 2004 directly affected Cubans residing legally in the United States of America and clearly contradicted the statement made by the representative of the United States of America.

Agenda item 105: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolution on the situation of human rights in Turkmenistan (A/C.3/59/L.53)

80. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.53, which contained no programme budget implications. She announced that Liechtenstein had joined the sponsors of the draft resolution.

81. **Mr. van der Wolk** (Netherlands), speaking on behalf of the European Union and the other sponsors, as well as Andorra, noted the following revisions to the draft resolution: in paragraphs 1 (c) and 4 (e), "President Saparmurat Niyazov" should be replaced by "the Government of Turkmenistan"; in paragraph 1 (e), the text following the words "the Committee on the Elimination of Racial Discrimination" in the second and third lines should be replaced by "the recent submission of the report under the Convention on the Elimination of All Forms of Discrimination against Women to the Division for the Advancement of Women of the Department of Economic and Social Affairs, and the announcement of the Government of Turkmenistan that it intends to submit the report due under the Convention on the Rights of the Child by the end of the year 2004"; two new paragraphs, should be added, paragraph 1 (f), to read "The November 2, 2004 amendment to the Criminal Code of Turkmenistan rescinding Article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations;" and paragraph 1 (g), to read "The invitation by the Government of Turkmenistan to the OSCE High Commissioner on National Minorities that was

extended on November 16, 2004, to visit the country by the end of 2004;" in paragraph 2 (e), the words "Russian, Uzbek and other" in the second line should be deleted; in paragraph 2 (f), the words "application of the restrictive provisions contained in the 2003 Law on Public Associations and" in the second line and the words "under the procedures set out in this Law" at the end of the paragraph should be deleted; in paragraph 4 (c), the words "extend an invitation to the High Commissioner on National Minorities of the organization to visit the country" should be replaced by "make the necessary arrangements to fully facilitate a visit by the OSCE High Commissioner on National Minorities by the end of 2004"; and in paragraph 4 (g), the word "remaining" should be added before the word "restrictions" in the first line, and the words ", building upon the November 2, 2004 amendment to the Criminal Code of Turkmenistan abolishing criminal penalties for unregistered activities of public associations" should be added after "without hindrance".

82. The European Union regretted that, despite in-depth discussions, it had not been possible to reach a consensus. In its view, dialogue and country-specific resolutions were not mutually exclusive, but part of the overall effort to promote and protect human rights. The draft resolution was motivated purely by concerns about the human rights situation on the ground and he hoped it would encourage the Government of Turkmenistan to take further measures to improve its human rights situation.

83. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/59/L.53.

84. **Mr. Hayee** (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that his organization had consistently opposed country-specific resolutions, as they diverted the Committee's work away from human rights issues and towards political issues. Since independence, the Government of Turkmenistan had enacted a number of laws to protect the rights and freedoms of its citizens, and it continued to cooperate with all States and a number of international organizations. Against such a backdrop of positive developments, the draft resolution was not an objective attempt to improve human rights, but politically motivated. His organization would therefore oppose it.

85. **Mr. Meredov** (Turkmenistan), referring to the draft resolution on the situation of human rights in Turkmenistan, said that his country placed the highest value on the rights of the individual and had made continuous progress in guaranteeing human rights for its citizens. It had established a modern legal system and was working closely with international organizations, including the United Nations, to address humanitarian issues. Given the positive developments taking place in Turkmenistan, the draft resolution lacked objectivity and information on the real situation in the country.

86. There were no facts to support any of the allegations contained in paragraph 2 of the draft resolution concerning arbitrary arrest or detention on grounds of political and religious belief and the exercise of the right of freedom of expression. No limits were imposed on freedom of thought, conscience, religion and belief; indeed, specific measures had been introduced allowing the registration of religious organizations. Nor had there been any discrimination against ethnic or national minorities; it was prohibited by law. Turkmenistan had explained its reasons for not renewing the accreditation of the Head of the Centre of the Organization for Security and Cooperation in Europe at Ashgabat; furthermore, it was within its rights as a sovereign State to do so. Paragraph 4 called on the Government to take measures which were already being implemented. With regard to paragraph 4 (d), the authors of the draft resolution had not been able to cite any concrete cases of prisoners of conscience being held in Turkmenistan. A representative of the International Committee of the Red Cross had visited Turkmenistan twice in the past year. The preparations for the forthcoming parliamentary elections were proceeding in accordance with international standards.

87. The resolution was not in keeping with the spirit of openness in which Turkmenistan had cooperated with the United Nations. His Government would prefer direct dialogue, rather than communicating through a draft resolution which represented an attempt to bring political pressure on Turkmenistan and its position of neutrality. His delegation shared the concerns expressed by many others, notably the members of the Organization of the Islamic Conference, regarding country-specific resolutions on human rights and it would therefore vote against the draft resolution.

88. **Ms. Hastaie** (Islamic Republic of Iran) said that her delegation would vote against the draft resolution on a position of principle. Country-specific resolutions showed a lack of fair criteria, impartiality and objectivity. Unfortunately, politicization continued to prevail in the General Assembly and the Commission on Human Rights, despite the fact that the Government of Turkmenistan had declared its intention to adopt policies to strengthen human rights.

89. **Mr. Xie** Bohua (China) said that the Government of Turkmenistan had made a great deal of progress in the area of human rights in recent years, and therefore it should be encouraged rather than accused of violations. Country-specific resolutions intensified confrontation; his delegation would vote against the draft resolution.

90. **Ms. Maw Maw** (Myanmar) said her delegation believed that the situation of human rights in any country should be addressed only through a cooperative approach and with objectivity, impartiality and non-selectivity. The targeting of individual countries should be avoided, as it was contrary to the principles and purposes of the Charter. For those reasons, her delegation would vote against the draft resolution.

91. **Mr. Vohidov** (Uzbekistan) said that full compliance with international standards, in particular the protection of the human rights of national minorities, was a prerequisite of development of every society. His delegation shared the view that the best means of advancing human rights and encouraging democracy was through constructive dialogue and cooperation. Nevertheless, because of the sensitive nature of those issues, considering the human rights situation in an individual country could be viewed as excessive pressure and could be counterproductive. His delegation welcomed Turkmenistan's efforts to comply with its international human rights commitments and expected that those efforts would be ongoing. On that basis, his delegation would vote against the draft resolution.

92. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that his delegation opposed the politicization of human rights and interference in the internal affairs of States; therefore, it would vote against the draft resolution.

93. **Mr. Cumberbatch Miguén** (Cuba) said that the current exercise was useless, as the countries putting forward draft resolutions of its kind themselves violated the human rights of entire peoples. Therefore, his delegation would vote against the draft resolution.

94. **Ms. Ahmed** (Sudan) reiterated her delegation's rejection of politicization and selectivity with regard to human rights questions and the double standards being applied. It had listened with interest to the statement by the representative of Turkmenistan regarding the positive measures taken by his Government. Progress in human rights should not be achieved through confrontation but through cooperation and dialogue. Therefore, her delegation would vote against the draft resolution.

95. **Ms. Al Haj Ali** (Syrian Arab Republic) said that in the view of her delegation, country-specific resolutions on human rights issues showed interference in the internal affairs of States and selectivity. It preferred dialogue and cooperation in an atmosphere of objectivity and transparency. Therefore, her delegation would vote against the draft resolution.

96. **Mr. Osmane** (Algeria) said that his delegation aligned itself with the position expressed by the members of the Organization of the Islamic Conference and the Movement of Non-Aligned Countries on such draft resolutions; therefore, it would vote against the resolution.

97. **Ms. Garcia-Matos** (Bolivarian Republic of Venezuela) said that her delegation opposed the political manipulation of human rights, which ran counter to the principles of self-determination and non-interference in the internal affairs of States. It would vote against the draft resolution.

98. **Mr. Dapkiunas** (Belarus) said that his delegation rejected the draft resolution on a position of principle. It was against selective country-specific resolutions and preferred a non-confrontational approach to human rights issues. It supported the efforts of Turkmenistan to facilitate sustainable democracy and the protection of human rights.

99. *A recorded vote was taken on draft resolution A/C.3/59/L.53.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France,

Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Federated States of Micronesia, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom, United States of America.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Islamic Republic of Iran, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Papua New Guinea, Philippines, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Tuvalu, Uganda, United Republic of Tanzania, Uruguay, Zambia.

100. *Draft resolution A/C.3/59/L.53, as orally revised, was adopted by 65 votes to 49, with 56 abstentions.*

101. **Ms. Lai** Wen Lin (Singapore) said that her delegation had abstained from the vote because of its position of principle on country-specific human rights resolutions, which were most often motivated by political considerations. It also had serious concerns regarding paragraph 1 (b) of the draft resolution regarding the jailing of conscientious objectors. Conscientious objection to military service on religious grounds was not a universally applicable right, and its inclusion ignored the unique circumstances in each country. National defence was a sovereign right of States under international law, and how to deal with conscientious objectors was for each State to determine. In the view of her Government, when a State had established a system of compulsory military service, allowing conscientious objection would undermine the principle of collective responsibility for national defence. In addition, her delegation had difficulty with the reference to Commission on Human Rights resolutions 2003/11 and 2004/12 in paragraph 4 (a) of the draft resolution.

102. **Mr. Meyer** (Brazil) said that Brazil had voted in favour of the draft resolution, in the expectation that it would contribute to progress in the promotion and protection of human rights. It regretted the human rights violations which had been verified in Turkmenistan, and observed that the text of the draft resolution had taken into account the positive developments which had occurred in the country. However, his delegation reiterated its doubts regarding country-specific resolutions, as they led to politicized votes. It had proposed a mechanism in the Commission on Human Rights based on a global report on the worldwide human rights situation, in addition to strengthening of its thematic special mechanisms.

The meeting rose at 12.55 p.m.